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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,375	01/15/2004	Ekaterina Anatolyevna Ponomarenko	9161Q	5425

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EXAMINER

REICHLE, KARIN M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Inventorship

1. In view of the papers filed 5-25-06, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(c). The inventorship of this application has been changed by adding the inventor Robert Henry Rohrbaugh.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12 and 14, drawn to a disposable absorbent article, classified in class 604, subclass 367.
- II. Claims 15-18 and 20, drawn to a method for making a disposable absorbent article, classified in class 427, subclass 2.3.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed in product by process claims 1-12 and 14, see MPEP 2113, can be made by another and materially different process which does not require the steps of the process set forth

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in the Group II claims, or the process as claimed in claims 15-18 and 20 can be used to make another and materially different product from that in the Group I claims, e.g. an absorbent article not requiring the specifics thereof, e.g., a backsheet, a top sheet.

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification which would lead to diverging fields of search, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Response to Amendment

6. It is noted that the amendments filed 8-22-06 should have resubmitted all the amendments in the Amendment and Claim sections filed 5-25-06 except with any corrections needed to comply with the 7-28-06 Notice, e.g. the marked up version of claims 2-20 of the claims section of the 5-25-06 section should have been resubmitted along with the amendments to claim 1 as shown in the 8-22-06 amendment.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR

October 20, 2006